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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,758	05/19/2004	Barbara A. Christensen	RA 5609 (33012/386/101)	4640
27516	7590	07/11/2008	EXAMINER	
UNISYS CORPORATION			VY, HUNG T	
Unisys Way			ART UNIT	
Mail Station E8-114			PAPER NUMBER	
Blue Bell, PA 19424			2163	
			MAIL DATE	
			DELIVERY MODE	
			07/11/2008	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/848,758	<b>Applicant(s)</b> CHRISTENSEN ET AL.	
	<b>Examiner</b> HUNG T. VY	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 04/14/2008, PROSECUTION IS  
HEREBY REOPENED. A new ground of rejection is set forth below.

If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205.

2. /Tim T. Vo/

Supervisory Patent Examiner, Art Unit 2168

### **Double Patenting**

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In*

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*re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-5, 11-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (see table below) of copending Application No. 10/849,473, 10/848,901, 10/848,470, and 10/848,899.

Present invention claims	10/849,473	10/848,901	10/848,470	10/848,899
Claim 1-5	1-5	1-5	1-5	1-5
6-10	6-10	6-10	6-10	6-10
11-21	11-21	11-21	11-21	11-21

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in present application are similar to claims in co-pending application as shown.

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 7,013,341.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 7,013,341.

6. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 16 of U.S. Patent No. 6,832,237. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 6,832,237.

7. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 12 and 16 of U.S. Patent No. 6,915,485. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 6,915,485.

8. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 15 and 21 of U.S. Patent No. 7,191,767. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 7,191,767.

9. Claims 1, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,721,722. Although the conflicting claims are not identical, they are not patentably

distinct from each other because the claims in resent application are similar to claims in U.S. Patent No. 6,721,722.

### **Claim Objections**

10. Claim 14 is objected to because of the following informalities: the Applicant should define the "MAPPER" (as "Maintaining and Preparing Executive Reports") and is MAPPER as trade mark name? Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "said result" in line 1. There is insufficient antecedent basis for this limitation in the claim since claim 2 recites nothing about result (claim 3 depends on claim 2).

Claim 4 recites the limitation "said user session" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim since claim 3 recites nothing about user session (claim 4 depends on claim 3).

Claim 8 recites the limitation "said generating step" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim since claim 7 recites nothing about generating step (claim 8 depends on claim 7).

### **Claim Rejections - 35 USC § 102**

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-13 and 16-21 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Goodwin et al. (U.S. Pub. No. 2002/0023261).

**With respect to claims 1, and 21**, Goodwin et al. discloses an apparatus for processing data upon request comprising:

a legacy data base management system language (fig. 3 or fig. 9) (i.e., “the data server 332 provides query services to **access legacy database**” (0122) (fig. 3) and Examiner indicates that 322, schema server 316 are all supporting to manage and controls execution of a set of services (0124) or “translation layer” (904)(fig. 9)) having a first command (i.e., “The data server 332 accepts queries from the client 338 application **in standard formats** which it **then translates**, as necessary, to interact with diverse data sources” (0131) and Examiner indicates from “standard format” translates to compatible with data source ) and having a plurality of datasets language (i.e., “An RDBMS takes Structured Query Language (SQL) statements entered by a user or contained in an application program and creates, **updates**, or provides access to the database 308” (0078) and Examiner indicates the database 308 having a “plurality of datasets” for client can access);

a user session which generates a request in a standardized command language (i.e., “The data server 332 accepts queries **from the client** 338 application **in standard formats** which it then translates,”(0131)) for comparing some of said plurality of datasets within said legacy data base (Examiner indicates that the queries from client to compare with the legacy database to get the result

(0131) or “it provides a uniform, object-oriented access to distributed **legacy data sources** by acting as an object oriented dynamic front into existing databases” (0131))

a facility (fig. 3) located within said database management system which parses (i.e., “This tailorability allows developers to implement their own template syntax (parser and interpreter) in which templates can be implemented. The preferred syntax for the templates is JavaScript”(0061) or “parsed and used to **generate source code objects**” (0080)) said request in said standardized command language (i.e., “parse specific types of logical models 203, 304, 306 into unified models. The creation of unified models 314 is performed through a common application program Interface (API)” (0118-0119)) into a corresponding request in said first command language (Fig. 3 shows the “code gen” (330) which creates the translation source code to translate the queries from client 338 from the standardized command language non-standardized (first command language) to the legacy database (0131));

and a result produced by said legacy data base management system indicative of honoring said corresponding request (i.e., “In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)).

**With respect to claims 2, 7, 13, 17 and 19**, Goodwin et al. discloses wherein request in said standardized command language further comprises a JavaScript object (i.e., “This tailorability allows developers to implement their own template syntax (parser and interpreter) in which templates can be implemented. The preferred syntax for the templates is JavaScript”(0061)).

**With respect to claims 3, 9 and 20**, Goodwin et al. discloses wherein said result further comprises a JavaScript object (i.e., “(parse and interpreter) in which templates can be implemented.



*The preferred syntax for the templates is JavaScript" (0061) and examiner indicates the templates (javascript) (adaptor) (claim 26) is used to translate between the client and the legacy database (figs. 3-6))*

**With respect to claims 4, 10 and 18,** Goodwin et al. discloses wherein user terminal (12) is coupled to said legacy data base management system via a publically accessible digital data communication network (*i.e.*, "multiple database, and/or widely distributed networks or inter-networks, such as the Internet" (0045)).

**With respect to claim 5,** Goodwin et al. discloses wherein a database having a plurality of columns of data (*i.e.*, "the serial # element from the object 804 involves parsing a look up table with corresponding serial and part numbers to find the correct Part #" (0138) wherein each of said plurality of datasets corresponds to a different one of said plurality of column of data (*i.e.*, "the serial # element from the object 804 involves parsing a look up table with corresponding serial and part numbers to find the correct Part #" (0138)).

**With respect to claim 6,** Goodwin et al. discloses wherein a method of comparing a plurality of datasets within the data base of a legacy data base management system (*Examiner indicates that the queries from client to compare with the legacy database to get the result (0131) or "it provides a uniform, object-oriented access to distributed **legacy data sources** by acting as an object oriented dynamic front into existing databases" (0131))* comprising:

generating a comparison request in a standardized command language (*i.e.*, "The data server 332 accepts queries **from the client** 338 application in **standard formats** which it then translates," (0131));

transferring said request to said legacy data base management system conversion (*Fig. 9 and Fig. 3 shows the queries from client 338 transferring to data server (332) and using the system to conversion from different format*)

converting said comparison request from said standardized command language into a legacy command language suitable for execution by said legacy data base management system (*i.e.*, “The model adaptors 310, such as in an adaptor for DESIGNER 2000, parse specific types of logical models 302, 304, 306 and **translates** the logical models 302, 304, 306 into unified models”(0108) and “The data server 332 accepts queries from the client 338 application **in standard formats** which it **then translates**, as necessary, to interact with diverse data sources” (0131));;

honoring said comparison request (*i.e.*, “In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)); and

sending a result indicative of said honoring step (*Fig. 7 shows "each element of the collection" and will be “display element”*).

**With respect to claim 8**, Goodwin et al. discloses wherein said generating step is performed by a user terminal (*i.e.*, “that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136));

**With respect to claim 8**, Goodwin et al. discloses an apparatus for processing data upon request comprising:

a. storing means for storing a plurality of datasets within a legacy data base language (*fig. 3 or fig. 9*) (*i.e.*, “the data server 332 provides query services to **access legacy database**” (0122) (*fig. 3*) and Examiner indicates that 322, schema server 316 are all supporting to manage and controls execution of a set of services (0124) or “translation layer” (904) (*fig. 9*));

b. requesting means responsively coupled to said storing means for requesting a comparison of said plurality of datasets via a standardized command language (*i.e.*, “The

*data server 332 accepts queries **from the client** 338 application in **standard formats** which it then translates,”(0131) (Examiner indicates that the queries from client to compare with the legacy database to get the result (0131) or “it provides a uniform, object-oriented access to distributed **legacy data sources** by acting as an object oriented dynamic front into existing databases” (0131));*

c. converting means responsively coupled to said storing means for converting said standardized command language into a legacy command language suitable to access said legacy data base (*i.e., “The model adaptors 310, such as in an adaptor for DESIGNER 2000, parse specific types of logical models 302, 304, 306 and **translates** the logical models 302, 304, 306 into unified models”(0108) and “The data server 332 accepts queries from the client 338 application **in standard formats** which it **then translates**, as necessary, to interact with diverse data sources” (0131)); and*

d. preparing means responsively coupled to said storing means for preparing a comparison result (*i.e., “In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)).*

**With respect to claim 16**, Examiner indicates claim 16 has the same limitation recites on claims 1 and 6 (see rejection above).

**With respect to claim 21**, Examiner indicates claim 21 has the same limitation recites on claims 1, 2, 5 and 6 (see rejection above).

### **Claim Rejections - 35 USC § 103**

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin et al. (U.S. Pub. No. 2002/0023261 A1) in view of Spellman et al. (U.S. Patent No. US005917485A).

**With respect to claim 14**, Goodwin et al. discloses all limitations of claimed invention recited in claim 13 except Mapper data base management system. However, Spellman et al. discloses Mapper data base management system engine (*i.e.*, “MAPPER is a commercially available data management and reporting system provided by Unisys Corporation” (*col. 8, line 10-15*)). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Goodwin’s system by using the Mapper data base management system in order to have data base management system in an efficient multi-user environment and to enable the user to utilize either access technique, the logic for each individual assistance function for the stated purpose has been well known in the art as evidenced by teaching of Spellman (*col. 2, line 28-38*). Further, Mapper in Spellman is compatibilities with Goodwin et al. since Mapper system works in the object oriented language such as Goodwin et al.’ system.

**With respect to claim 15**, Goodwin et al. discloses wherein said permitting means further comprises an industry standard personal computer (*i.e.*, “several thousand or more computer system may be used to implement the teachings of the present embodiment” (0045)).

### **Response to Arguments**

15. Applicant's arguments with respect to claims 1-5 and 11-21 have been considered and are persuasive. Therefore, the previous office action was withdrawn.

### **Conclusion**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 23, 2008

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